

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments, claims 24-27 and 29-55, as amended, and new, independent claim 56, will be pending. Of these, claims 37-40 are withdrawn from consideration. Rejoinder and allowance of these claims is requested.

As an initial observation, claim 26 and claims 45 and 46 were incorrectly previously amended and, therefore, are now revised to correspond to the original presentation of these claims (originally numbered as claims 28, 47 and 48, respectively). Accordingly, no new matter is added.

In order to materially advance prosecution, each of the independent claims 24, 26, 41, and 50, are amended to include the feature, currently recited in claim 51, that the particles have a pore size which includes pores ranging in size from about 20 to about 50 Angstroms, and, within this pore size range, the pore area is at least 25 m²/g, (see, e.g., amended sheet page 2, lines 34-37). New claim 56 also includes this feature.

It is further noted that each of the independent claims is amended to replace the expression "for use as" appearing in the preamble, with the more appropriate expression --useful as-- in order to clarify that the recitation is merely of a particular use according to embodiments of the invention, rather than as an only possible or intended use.

Applicants further note, with appreciation, that the Examiner has indicated that claims 29, 30, 48, 49, and 52-55, if amended to include the biocides recited in claim 47, would not be considered obvious over the prior art of record. Accordingly, claims 29, 48, and 49 are rewritten in independent form, including the subject matter of claim 47 incorporated therein. Independent Claim 52 is also amended to include the subject matter of claim 47. Accordingly, each of independent claims 29, 48, 49 and 52 and the dependent claims 30 and 53-55, are believed to be in condition for allowance.

Furthermore, it is respectfully submitted that since none of the prior art of record includes the feature of the pore size and pore area in the pore size range of from about 20 to about 50 Angstroms, all of the remaining claims, including new claim 56, with the recitation of the pore size range/pore area, as discussed above, are also in condition for allowance.

Accordingly, the rejection of claims 24-36 and 50-55, as unpatentably obvious over Pollen (WO 93/098177), the rejection of claims 24-28, 31, 32, 36, 50 and 51, as anticipated by or unpatentably obvious over Ohno (U.S. 4,579,779), and the rejection of claims 24-27, 31-35, 41-47 and 50, as anticipated by or unpatentably obvious over Burke et al. (EP 0106562), and the rejection of claims 24-36 and 41-45, as unpatentably obvious over Pollen (WO 93/098177) or Ohno (U.S. 4,579,779), in view of Burke (EP 0106562), are respectfully traversed for at least the following reasons.

Pollen (WO 93/098177) discloses compositions which include granules of organic or expanded inorganic materials, such as perlite, zeolite and others. There is no disclosure of a particulate composition having particles, the pore sizes of which include pores in the range for from about 20 to about 50 Angstroms nor is there a disclosure of particles having any particular pore area.

Accordingly, nothing in the disclosure of Pollen (WO 93/098177) would have suggested or made obvious the subject matter of the rejected claims, in their currently amended form.

Ohno (U.S. 4,579,779) discloses a method of encapsulating volatile organic liquids. The method involves the use of silica particles. According to the disclosure at column 2, lines 10-22, the silica used will have an average particle size of 300 microns or less, and a micropore distribution characterized by 50% of the integrated volume of micropores being distributed to the micropores having a radius up to 1000 Angstroms, most preferably up to 500 Angstroms. According to Example 1, the silica has an average particle size of 100 microns and a pore size distribution wherein 50% of the integrated pore volume is distributed to micropores having a radius up to 500 Angstroms. The same silica is used in Examples 1-4. In Example 5, silica having an average particle size of 80 microns and a pore size distribution wherein 50% of the integrated micropore structure is distributed to micropores having a radius up to 1000 microns (sic Angstroms?) was used.

There is nothing in the disclosure of Ohno which would have made the present invention obvious to a person of ordinary skill in the art at the time the present invention was made.

Finally, Burke (EP 0106562) does not disclose compositions or methods utilizing particles having a pore size which includes pores in the range of from about 20 to about 50 Angstroms and a pore area in this pore size range of at least 25 m²/g.

Accordingly, the present claims are all believed to be directed to novel and nonobvious subject matter.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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